

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CAROLYN GARDNER

Plaintiff

v.

KUTZTOWN UNIVERSITY, *et al.*

:

:

:

:

:

:

CIVIL ACTION

NO. 22-1034

**PLAINTIFF'S MOTION TO EXTEND *PENDENTE LITE* THE JANUARY 23, 2023
PRELIMINARY INJUNCTIVE ORDER (ECF Doc. 41)**

This is a Motion by Plaintiff Carolyn Gardner, through her undersigned Counsel and pursuant to F.R.C.P. 65 (a), to extend *pendente lite* the Court's January 23, 2023 Preliminary Injunctive Order that prohibits Defendants from terminating Plaintiff's medical and life insurance benefits or limiting her return to work rights as a tenured professor or otherwise interfering in any way with the emoluments of Plaintiff's employment at Kutztown University without further Order from the Court." By its terms, the Order expires at 5:00 p.m. on July 25, 2023 "at which time Plaintiff may renew her request." *Id.*, at 4. **ECF Doc. 41 at 3.**

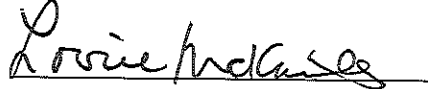
For all the reasons stated in the existing Injunctive Order and Memorandum of Law, in addition to and in conjunction with a) Plaintiff's December 28, 2022 Motion for preliminary relief and supporting documents,¹ and b) her June 12, 2023 Motion for Summary Judgment, corresponding Memorandum of Law and evidentiary record, including but not limited to the Joint Statement of Undisputed Facts and

¹ The record supporting the Court's Injunctive Order included Plaintiff's Second Motion for a Temporary Restraining Order and/or Preliminary Emergency Relief and substantiating documents (ECF Doc. 35) and her Reply Brief (ECF Doc. 38), as well as Defendants' Response to Plaintiff's Motion, (ECF Doc. 36), oral argument, and a supplemental letter submitted to the Court and dated January 18, 2023 from Plaintiff's ophthalmology specialist.

Plaintiff's Supplemental Statement of Undisputed Facts (**ECF Doc. 43 through 52-1**, inclusive), all of which are incorporated by reference herein, Dr. Gardner asks the Court to extend its Preliminary Injunctive Order through the conclusion of the litigation. As the Court concluded in the original Order, Dr. Gardner has a substantial likelihood of prevailing on the merits, without temporary/preliminary injunctive relief, she will suffer and continue to suffer irreparable harm. Defendants will not be prejudiced by an order that requires them to do what the law requires and which will impose no undue hardship, and preliminary injunctive relief is fully in the public interest.

Respectfully Submitted:

By:


LORRIE MCKINLEY, ESQUIRE
Attorney I.D. No. 41211

McKINLEY & RYAN, LLC
238 West Miner Street
West Chester, PA 19382
(610) 436-6060

RALPH E. LAMAR
902 W. Hamilton Street, #225
Allentown, PA 18101
(610) 563-0726
ralphlamar@ymail.com

Attorneys for Plaintiff Carolyn Gardner

DATE: July 18, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this date, July 18, 2023, a true and correct copy of the foregoing Plaintiff's Motion for a Temporary Restraining Order and/or Preliminary Emergency Relief was served upon counsel by way of the Court's ECF system as follows:

Kevin Bradford, Esquire
Senior Deputy Attorney General

Matthew Skolnik, Esquire
Senior Deputy Attorney General

Pennsylvania Office of Attorney General
Eastern Regional Office, Civil Litigation Section
1600 Arch Street, Suite 300
Philadelphia, PA 19103


LORRIE MCKINLEY, ESQUIRE